

**REGULAR MEETING OF THE
BRIGHAM CITY COUNCIL
APRIL 2, 2009**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Blake Fannesbeck	Public Works Director
	Sue Hill	City Librarian
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Sara Lundberg	Museum-Gallery Director
	Mike Nelsen	Police Lieutenant
	Scott Oldham	Parks Superintendent
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director/Deputy City Recorder
	Paul Tittensor	Chief of Police
	Dennis Vincent	Police Lieutenant
	Alan Wright	Public Power Director
EXCUSED:	Mary Kate Christensen	City Recorder

Mayor Christensen called the meeting to order. The Reverence Period was given by Councilmember Reese Jensen. The Pledge of Allegiance was recited. A motion to approve the minutes of March 19, 2009 Council meeting as written was made by Councilmember Reese Jensen, seconded and carried. Mayor Christensen presented the agenda as follows:

PRESENTATIONS

Mayor's 2009-10 Budget Presentation

PUBLIC COMMENT

CONSENT

Appointment and Reappointment to Youth Commission Executive Board

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

SCHEDULED DELEGATION

Request for Letter of Support for Grants

NEW BUSINESS

Proclamation Declaring April 24 Arbor Day

Funding for Police Officers Through the Department of Justice and Community Oriented Policing Services

Request for Approval of Resolution Transferring Funds from Leisure Services to the Capital Project Fund

Request for Approval to Use Capital Project Funds to Complete Retaining Wall and Fence at the Golf Course Maintenance Building and to Remodel Concession Stand at Pioneer Park

UNFINISHED BUSINESS

Real Estate Consultant Request for Proposal

PLANNING COMMISSION BUSINESS

Request for Approval of Ordinance Amending Chapter 29.12, Residential and Multiple Residential Districts

OTHER BUSINESS

Schedule Budget Work Session (*added*)

CLAIMS

Payment Register

Councilmember Reese Jensen added the item under Other Business. Councilmember Marabella made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PRESENTATIONS

Mayor's 2009-2010 Budget Presentation

The following are verbatim minutes of the Mayor's Budget Presentation.

"It is my pleasure to present to the City Council and citizens of this great community my proposed budget for FY 2009-10

. My overall goal in preparing the budget was to maintain the level of service to our citizens with funding for capital projects while keeping focused on our Vision 2012.

"The City's mission is to: *'Maintain and enhance the quality of life by providing municipal services, protecting life and property, preserving our heritage, through sound financial management for the citizens of Brigham City.'*

"The proposed 2009-10 budget continues to reflect the four focus areas chosen by the City Council which include: Economic Development, Responsive Government, Public Safety and Quality of Life – Preserving our Heritage and Culture. The Focus Areas are a constant reminder of our priorities which are reflected in our goals and in the proposed budget.

"Tonight's budget presentation will be presented in the following order:

1. Internal Efficiencies
2. Revenues/Expenditures
3. Capital Improvements
4. Personnel/Program
5. Vehicle/Equipment Replacement
6. Conclusion

"As a City, we are constantly looking for ways to cut costs internally and still maintain our focus areas. For the past six years the City has implemented a performance management system that ensures employee accountability through clearly defined measurements that have been established. Every six months, supervisory performance appraisals are conducted that ensure that employee goals are on target and being met. Our Performance Management system is a constant reminder of our City priorities. We want to emphasize accountability in leadership from the top down to all supervisory personnel.

"We also focus on the efficiency of operations and building synergy between City departments. For example, following the flood in 2005, Brigham City Corporation applied for a grant from the Natural Resource Commission Service (NRCS) and received approximately \$400,000 for funding to improve flood control measures and repair eroded sections on Box Elder Creek. Substantial improvements were made to the Mantua feeder canal head-works to control runoff from the Willard Basin area. City crews provided \$96,623 of matching funds through in-kind service to repair the Mayor's Pond spillway and other needed repairs along the Box Elder Creek. In addition, the City saved over \$65,000 in costs from the contractor's quote on the Main Street tree trimming project by assisting the contractor during the work. These are great examples of how restructuring the Public Works Department is paying dividends. Last January, our departments were asked to reduce their overall budgets by 3%, which was mainly accomplished through savings in not filling employee positions and savings on insurance premiums.

"In preparing the 2009-10 Budget, the main focus was balancing the budget while being sensitive to the current economic effect on Brigham City citizens. Almost one half of a million dollars in revenue for sales tax and interest income are not projected to be available this year as in past years. Sales tax is projected to decrease 8% and interest income is projected to decrease 69%.

"Significant challenges were faced in budgeting this year's Utility Fund expenditures. We projected energy sales decreases for some of our largest commercial/industrial users. However, in a recent meeting with one of the largest facility managers revealed they are projecting near normal usage by January of 2010. Brian Hyde, Autoliv CEO, recently stated, '2010 will be a high growth year for Autoliv.' According to Mr. Hyde this is because Autoliv is diversifying its product base.

"Increases of 5% from Rocky Mountain Power (RMP) and 11% from Western Area Power Administration (WAPA) are being imposed on the City this year. I will discuss power rate increases later in my presentation. Our future energy demands and how we address them will always be a long term challenge that depends on current decisions. That is why we have invested in long term master planning for all utilities. This year's budget contains \$1 million for electrical grid improvements and \$552,000 for water system improvements.

"Listed are proposed solutions to the budget challenges that we faced. The rate increases and projected fund balances will be discussed later in the presentation in more detail.

"The Fleet Fund has a balance of approximately \$3 million which contains approximately \$1 million in cash. We believe that a minimum balance of \$800,000 of cash is adequate to support equipment purchases in this fund. That is why we are recommending using \$177,000 of the Fleet Fund balance to decrease equipment lease payment expenditures in other funds.

"Supervisory personnel were asked to reduce their FY 2009-10 budget requests overall by approximately 1%. This request was made subsequent to a detailed analysis of departmental budget histories, requested budget increases and actual needs. There are no projected increases in the General or Utility Fund balances in this year's budget.

"We are proposing that grant projects be funded in the proposed budget for 2009-10 to leverage City funds against project costs. We are also proposing to use the Capital Project Fund to support the capital projects that are approved by the City Council. This will facilitate better utilization of surplus funds from approved capital projects.

"This year's general fund revenue is proposed to decrease 1.3% over last year's budget. The proposed general fund budget for this coming year is \$11.2 million which is slightly lower than \$11.3 million for FY 2008/09.

"Property tax comprises only 6% of the general fund budget. Sales tax and transfers make up 24% and 23% respectively of the General Fund budget totaling 47%.

"Sales tax revenues are lower this year because of the soft economy. This year's revenue projections are anticipated to be \$2.75 million which is 8% lower than the 2008-09 budget year.

"Previously the Council set a policy to decrease the percentage of utility fund transfers to the General Fund. In 2006-07 the percentage was 17%. My proposed budget has the transfer set at 11% totaling \$1.67 million which is 26% less than last year's budget. The overall percentage of funds being transferred is headed in the right direction.

"The 2008 Audit Report revealed an upward trend in the General Fund-Fund Balance. We as City leaders need to maintain this trend by regularly increasing utility rates to compensate for the increasing costs of operation. As of June 30, 2008 the City could finance operations for 134 days without any revenue which is an increase of 16 days from June 30, 2007. The estimated fund balance at June 30, 2009 is \$2.1 million which is a 26% increase from June 30, 2008.

"The 2008 Audit Report indicated that as of June 30, 2008 the unappropriated fund balance of the General Fund is under the state limit by \$336,000. The budget I'm proposing appropriates no increase to the General Fund-Fund Balance. The estimated amount over the state limit for June 30, 2009 is \$131,000. The state limit represents the amount of money equal to 18% of the total estimated revenue of the General Fund. I'm recommending transferring any overage in the General Fund-Fund Balance to the Capital Improvement Fund to stay within State compliance and be used for capital projects.

"Over the past few years as a Council we have discussed the need to gradually increase utility rates to cover the increased cost of providing services. Although this year's pre-budget work session favored using the 2008 Consumer Price Index of 3.8% to increase our utility rates, I've budgeted one-half of that amount or a rate increase of 1.9% for all utilities to cover increased costs of operation.

"The 2008 Electrical Master Plan recommended that \$14 million in capital improvements be expended over the next 20 years to keep our system operating efficiently and prepare us for projected growth. This means that the City will need to invest \$700,000 annually into its electrical system to complete the recommended projects. Also, \$20,000 has been budgeted for consulting services to investigate renewable energy resources and prepare guidelines for achieving them.

"In keeping with the Public Utility Advisory Board and City Council recommendation, I am proposing that electrical rate increases from Rocky Mountain Power of 5% and Western Area Power Administration of 11% be passed on to our users. However, due to the unstable economy and tightened family budgets, I am recommending the City absorb 1.14% of these costs. We purchase approximately 73% of our power from RMP and 23% of our power from WAPA, the actual increase is 6.18% of which the City will absorb 1.14% for a pass through rate of 5.04%.

"Total expenditures for this year's budget are \$36 million which is an increase of 7% over last year's expenditures of \$33.6 million. The pie chart illustrates the percentages of each fund in relationship to total fund expenditures.

"Fund breakdowns are as follows: 1) general fund \$11.3 million; 2) debt service \$868K; 3) golf \$749K ; 4) airport \$86K; 5) public utility \$17.3 million; 6) fleet \$1.9 million; 7) library \$751K; 8) RDA \$2.1 million; 9) capital project fund \$1.2 million.

"The Utah State Code allows municipalities to levy energy sales taxes on taxable energy used within their corporate limits at a maximum of 6%. Since the law was enacted we have been charging 2.25% for electricity and natural gas. However in the past, electrical users only paid 1.5% for the electricity tax with the City paying the remaining .75%. The 2.25% gas tax was paid by the Questar users. On March 1, 2009 Questar reduced their rates by 14% which has been taken into consideration.

"Changing the MET is at least a 90-day process that requires a public hearing. We will be scheduling a public hearing to discuss the proposed increase at the April 30 City Council Meeting.

"Many cities throughout the state are already at 6% so this year I'm proposing to increase the MET to the maximum amount of 6%. However, on the electricity tax, I'm proposing that only 3.25% of the 6% be assessed to users. The remaining 2.75% will be absorbed by the City utilities. This will be a 1.75% user increase in electricity and a 3.75% increase in natural gas.

"At the beginning of the budget process, supervisors were asked to submit a flat budget for their division's operations. Everyone met this challenge except for where operating costs needed to be increased to cover past deficits. However, requests still exceeded projected revenues so additional cuts were requested. I want to thank and compliment every supervisor for their support and let them know this budget was balanced because of their commitments.

"If you combine the Police Department which comprises 26% of the overall expenditures and the Emergency Services Department which comprises 10%, we have a total of 36% of General Fund expenditures. This means over one third of the total General Fund Budget is spent on public safety. The Administration Department comprises 20% of the budget and has seven divisions that include: the Mayor's Office, City Council, Administration, Buildings, Economic Development, Human Resources, and Risk Management. The Public Works Department comprises 20% of the overall expenditures and has five divisions that include: Community Development, Inspection, Streets, Parks and Public Works/Engineering. The Leisure Services Department comprises 18% of the General Fund Budget and has four divisions that include: Leisure Services Administration, Cemetery, Swimming Pool and Recreation.

"The electrical emergency fund balance estimated at June 30, 2009 will be \$304,000. I have budgeted \$50,000 to increase the fund balance to \$354,000. This fund is available to replace major electric

infrastructure in emergency situations. The cost of a large transformer at the East Substation would be between \$500,000 and \$1.7 million to replace it. This is a needed rainy day fund.

"In the 2008-09 Budget \$50,000 was budgeted for emergencies and disasters. Last year's Box Elder Creek NRCS restoration project was appropriated from this fund dropping the estimated balance at June 30, 2009 to \$20,000. In this year's budget I'm proposing to increase the fund by \$100,000. The estimated Emergency Disaster Fund balance at June 30, 2010 will be \$120,000.

"This year the departments submitted capital improvement requests in excess of \$8.3 million. This did not include \$8.9 million for the Wakegan Water and Sewer Utility Project which will be funded by State loans that the City bonded for and are guaranteed by the Box Elder County Special Assessment Area and Procter & Gamble. Subsequent to prioritizing the requests, I'm proposing that \$2 million worth of capital projects be funded internally in this year's budget.

"This coming year's budget contains 21 new vehicles and specialized pieces of equipment that will be replaced and 10 vehicles and specialized pieces of equipment that will be leased for a combined total of 31 vehicles and pieces of equipment. The vehicles and equipment will be purchased through the Fleet Lease Replacement program for a total of \$991,294. The Fleet Lease Replacement program provides tremendous oversight over our fleet and is a very important part of our City financial structure. Last year a total of 18 vehicles and new pieces of equipment were purchased and 12 pieces of equipment were leased at a cost of \$1.1 million. Two hundred thousand dollars of that amount was used to purchase a new platform ladder truck. The expenditures this year have been reduced by 6%. Generally speaking, the leased equipment is comprised of the Fire Department vehicles and the heavy equipment used by other departments for excavation and maintenance.

"In the fall of 2008 Brigham City established a wellness committee under the Mission Meltaway logo to coordinate employee health based programs. A health fair co-hosted by Altius was held and 142 employees participated. Successful health oriented activities have already been held.

"Each month a luncheon is held where speakers are asked to focus on the health needs of the employees based on the baseline information received from the health fair. Sixty-one of our employees participated in the Health Risk Analysis Survey which indicated that as a group we have some health risk concerns that can be improved. Our goal is to make City employees more aware of their health habits through educational activities, thereby making life better at Brigham City Corporation. The tremendous success of this very important wellness program needs to continue in the next year's budget.

"The 2008 Consumer Price Index of 3.8% was suggested as this year's bench mark for the 2009-10 Pay for Performance Merit increases. However, being aware of the sacrifices that other public agencies and private businesses are faced with due to the struggling economy, I've budgeted a 2% merit increases and a market adjustment of \$15,411 for employees below the minimum range of their pay grade. I know how important it is to our employees to have merit increases funded at the CPI rate, but in times of financial uncertainty we believe this increase to be reasonable. Our employees are currently at 96% of market. A 2% merit increase may preclude the City from seeking other measures of reducing overall costs. I'm also proposing continuation of the City's contribution to the 401K Retirement fund that was approved in last year's budget.

"Personnel and its associated cost comprise 40% of the City's operating budget. Of the 40%, public safety comprises 23%. Operation and maintenance totals 60%. We're happy to announce that our Police Department is finally fully staffed.

"In summary, sales taxes and interest income are projected to decrease nearly \$490,000 this coming year. Historically, our economy has experienced increases in sales tax but this year we are projecting an 8% decrease. We remain optimistic the economy will recover enough during the 2009-10 Budget Year so sales tax will again become a stable revenue source.

"Utility fund transfers to the general fund are proposed at 11% which is 4.5% lower than last year's transfer rate.

"We have budgeted \$4.2 million in capital projects which includes \$2.2 million in grants. The City will internally fund \$2 million of the capital projects. These are great projects that will enhance economic development and quality of life for our community.

"A 2% merit increase and a \$15,000 market adjustment are included in my proposed budget to reward our employees for their performance. I sincerely hoped that we could stay in parity with the Consumer Price Index of 3.8% but the financial projections were not sufficient to support it.

"I am also proposing a 1.9% utility rate increase to cover the cost of operation (ICO) for all utilities. I further propose that the combined energy rate increases from RMP and WAPA totaling 6.94% be passed on at a rate of 5.04%. The remaining 1.14% will be subsidized by our electric utility.

"In all the years that I have been involved in the budget process while serving as an elected official, this year's budget has certainly been one of the most challenging. The reduction of revenues, energy rate increases and not reducing our level of services has been a real balancing act. During these difficult economic times, I'm very sympathetic to the struggles that our citizens and businesses are experiencing. We can only trust that the economy will recover in the coming year and restore our faith in the leadership of this great nation.

"This budget preparation has been a team effort between me, City Finance Director Jason Roberts, and City Administrator Bruce Leonard. I also want to thank my Executive Assistant Sharon Brailsford for her assistance. I really admire the staff for the excellent job they did in preparing their budgets and supporting the vision. The City Council's willingness to meet with me before I addressed the budget has encouraged a team approach and given insight into this year's budget. I want them to know how much help those meetings were to me. I now turn the budget over to Mayor Pro Tem Reese Jensen for the City Council's review and recommendation."

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Appointment and Reappointment to Youth Commission Executive Board

It was recommended Jennilyn McKinnon and Brandi Davies be appointed to the Youth Commission Executive Board.

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts totaling \$3,998.56 was presented to be removed from the City's system due to the customer taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded by Councilmember Ruth Jensen and unanimously carried.

SCHEDULED DELEGATION

Request for Letter of Support for Grants

Ms. Sharon Vaughan, Deputy Refuge Manager of the Bear River Migratory Bird Refuge, came forward and explained that the Refuge is undertaking the Bear River Watershed Conservation Project. She requested the Council draft a letter of support on this project. This project is specifically for land acquisition within the acquisition boundaries of the Bird Refuge.

MOTION: Councilmember Christensen moved to authorize the Mayor to sign a letter of support for the Bear River Migratory Bird Refuge to apply for grants, seconded by Councilmember Ericson. The motion unanimously carried.

NEW BUSINESS

Proclamation Declaring April 24 Arbor Day

Mr. Scott Oldham presented a proclamation for approval declaring April 24, 2009 as Arbor Day. There will be a celebration at Discovery School where the Parks Division will help the third grade classes plant three trees.

MOTION: Councilmember Christensen made a motion to authorize the Mayor to sign the proclamation declaring April 24, 2009 Arbor Day. The motion was seconded by Councilmember Reese Jensen and unanimously carried.

Funding for Police Officers Through the Department of Justice and Community Oriented Policing Services

Chief Tittensor came forward and explained that part of President Obama's Stimulus Package is a Cops Recovery Program that was designed to add jobs for law enforcement. The primary purpose of the grant is to replace those that have been laid off. Although Brigham City has not experienced that, the opportunity is available to obtain additional law enforcement officers.

The Chief discussed several areas where the officers could be used. He added that there are 321 single family units that have been approved for construction in Brigham City and 23 multi-housing units. There are another 1,600-1,700 potential units. In addition, there is the potential for a lot of growth if property is annexed into the City due to the Wakegan pipeline.

This grant would include salary and benefits for three years. It does not pay for cars, equipment or training. This would be the City's responsibility. It would not cover any promotions or cost of living increases. Vehicles are approximately \$44,000 each, including all the equipment for the vehicle. Depending on what the officers are used for, each officer may need a car. Equipment, including uniform and body armor, is approximately \$1,800. Training is \$500-\$1,000, an additional user for Spillman would be \$800 per year. This totals \$47,600.

As part of the grant, the City would be obligated to keep the officers for four years. The fourth year would be at the City's expense.

Mayor Christensen said part of the concern is that there are so many unknowns. The School District usually pays 50% of the School Resource Officers (SRO). It is hoped they will continue to do this, but they are having budget concerns. Chief Tittensor discussed this with the School District Superintendent and he said the schools are very supportive of this program; however, because of their budget shortfall they are looking at places they can eliminate costs. This year the District committed \$95,000 to the SRO, which is 50% of the officers' salaries and half a police car. This may not happen again this year. Depending on what the City decides to do, these officers may be used in other areas.

MOTION: Councilmember Ericson made a motion that the Police Department look into applying for three officers under the condition that the City has the option to pull out of one of them if the City is awarded the grant and budget projections are lower than expected; if it not possible to pull out, apply for two officers, one as an SRO and the other to work with the Strike Force with the hope that the Strike Force will help cover some of the costs. The motion was seconded by Councilmember Marabella. Lt. Nelsen said the grant states that if the City is part of a consortium of agencies they will not qualify for the grant. There was discussion on whether the Strike Force would qualify as another agency. Mayor Christensen said the City would have to pay for the fourth year and after that the School District would pay the 50% in order to qualify. It was felt the officer would be a Brigham City police officer assigned to the Strike Force and would not be considered an employee of the Strike Force. Lt. Nelsen said as he reviewed the grant guidelines he did not think the City could apply for three officers and then change it to two. The Council discussed whether to apply for three or two officers.

AMENDED MOTION: Councilmember Ericson amended his motion to instruct the Police Department to apply for the grant for three officers. The motion was seconded by Councilmember Christensen. The motion unanimously passed.

Request for Approval of Resolution Transferring Funds from Leisure Services to the Capital Project Fund

Mr. Boyce, Mr. Leonard and Mr. Roberts came to the table. Mr. Roberts requested that \$150,000 be transferred from the Leisure Services budget to the Capital Project fund. This was originally budgeted for matching funds for a grant on West Forest which the City did not receive. He added that he is projecting that the fund balance in the General Fund will be over the 18% statutory limit. The Capital Project Fund is an area where funds can be put aside that are earmarked for projects. This money would be used for three projects: 1) \$75,000 to be used as a match for the Mantua Reservoir Trail Grant Project; 2) \$20,000 to complete the remodeling at the Pioneer Park concession stand; 3) \$55,000 to replace light poles on South Main.

MOTION: Councilmember Ericson made a motion to authorize the Mayor to sign the resolution transferring appropriate balances between funds from Leisure Services to the Capital Project Fund. The motion was seconded by Councilmember Marabella and unanimously carried.

Request for Approval to Use Capital Project Funds to Complete Retaining Wall and Fence at the Golf Course Maintenance Building and to Remodel Concession Stand at Pioneer Park

Mr. Roberts explained that this is a request to approve the three projects discussed above as well as a retaining wall and fence at the Golf Course Maintenance Building. He explained that the bridge reconstruction project came in under budget by approximately \$40,000. A portion of this would be used for the retaining wall.

Mr. Boyce said the Recreation Department received a letter from the Health Department stating that the City needed to remodel the concession stand or it would have to be closed for the summer. They would like to extend the concession to the full length of the original building, which would be a 6' addition. This would open up the concession stand and allow them to have the room needed to store items and give them better control of who is going in and out of the food area.

Councilmember Marabella suggested the City contract out the concession stand. He felt the City's liability would be less with a contractor. Mr. Boyce said the City had private companies run it for a while and they quit. He said the City would be liable whether the City runs it or someone else does.

MOTION: Councilmember Christensen made a motion to approve the capital funds to complete the retaining wall for \$18,230 and a fence for \$3,206, and also authorize the remodeling of the concession stand at Pioneer Park. The motion was seconded by Councilmember Reese Jensen. Councilmember Ruth Jensen felt that the retaining wall could wait, even though the money is available. She did not think prices will go up in 3-6 months. The City does not know for sure how the 2009-10 budget will end up and this year's budget could be short. She talked to some of the workers and they said it is possible to grade it back and not put too much money into it. As for the concession stand, she felt the Council should consider what Councilmember Marabella said about the City being in the business of concessions or look at a private company doing it. Councilmember Christensen said the building would be needed whether the City does the concessions or an outside provider.

Voting was as follows:

Councilmember Christensen - aye
Councilmember Ericson - aye
Councilmember Reese Jensen -aye
Councilmember Ruth Jensen -nay
Councilmember Marabella - aye

The motion carried 4-1.

UNFINISHED BUSINESS

Real Estate Consultant Request for Proposal

Councilmember Christensen said if the City is interested in having someone representing them from the real estate business, he felt this is a good forum. In the study Paul Larsen conducted, most cities are not using anyone. There was concern with conflicts of interest; this is addressed in the RFP.

MOTION: Councilmember Ericson moved to approve the consultant request for proposal and instructed Mr. Larsen to put it out for bid. Councilmember Ruth Jensen seconded the motion, unanimously carried.

PLANNING COMMISSION BUSINESS

Request for Approval of Ordinance Amending Chapter 29.12, Residential and Multiple Residential Districts

Mr. Bradley came forward and explained that the purpose behind this amendment is to include standards for recreation space, landscape and protection of single family dwellings and to update the list of uses.

Councilmember Christensen expressed concern with the change of assisted living facilities to a non-compliant use except in commercial areas. Most of these are in residential areas. It is the person's place of residence. Mr. Bradley said the Planning Commission felt that this particular use would be better suited with other multi units rather than in an area with single family homes. Councilmember Christensen was concerned that there are an increasing number of assisted living facilities and there are not enough commercial areas to accommodate them.

Councilmember Marabella questioned the restrictions for multiple use development, such as requiring solid fences, recreation areas, landscaping, specifying the size of trees that can be planted, etc. He asked if the Planning Commission involved developers and local builders on this amendment. He felt this seems very unfriendly for anyone who wants to come into Brigham City and build a three-plex. Mr. Bradley replied that they did not have a task force to review this, but the Planning Commission has a diverse background. He said most cities have similar restrictions. It is a way to preserve the quality of life in Brigham City. Councilmember Ericson agreed there should be some guidelines, but he felt these were too restrictive. Mr. Bradley said the Planning Commission looked at several other communities' standards and these are very similar. If a good developer comes into Brigham City they will be used to these standards in other communities and it should not be a difficult thing for them.

Councilmember Ruth Jensen said the reason this is being reviewed and amended is because there have been problems with some developers because there has been too much flexibility. There have been complaints from disgruntled citizens that the City allows minimum standards.

Mayor Christensen said she would like the Planning Commission to review the standards for substations or transmission lines of 50 kV or greater. She would like this studied further and a recommendation brought to the Council in the future.

The Council was concerned with transitional housing being a conditional use. Mr. Bradley explained that the Planning Commission felt this should be allowed as a conditional use to provide a service. The Council recommended this be removed as long as it does not impact the Your Community in Unity (YCU) organization.

MOTION: Councilmember Ericson made a motion to table approval of this ordinance until Mr. Bradley can determine whether removing transitional housing will affect the YCU. Councilmember Christensen seconded the motion. Councilmember Christensen stated that he would also like the Council to consider allowing chain link fences with slats. He considered this a solid fence. They require less maintenance and are cheaper to install than other fences. Councilmember Marabella said he would like developers to review the amendments.

AMENDED MOTION: Councilmember Ericson amended his motion to table approval of this ordinance until Mr. Bradley can determine whether removing transitional housing will affect the YCU, revise the requirement for a solid fence to include chain link fences with slats, review the standards for substations or transmission lines of 50 kV or greater, and get input from some developers. The amended motion was seconded by Councilmember Christensen.

The voting was as follows:

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye
Councilmember Marabella - aye
The motion unanimously carried.

OTHER BUSINESS

Schedule a Work Session

The Council scheduled a budget work session for April 6, 2009 at 4:00 p.m.

CLAIMS

Payment Register

Councilmember Christensen moved to approve General Claims dated March 24, 2009 in the amount of \$296,851.89; for March 26, \$11,230.03 and \$237,338.65. The motion was seconded and carried.

A motion to adjourn to an Executive Session was made by Councilmember Ruth Jensen. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned at 9:17 p.m.

The Council returned to an open meeting at 9:33 p.m. and adjourned.